

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RONALD DWIGHT SMITH,

Plaintiff,

Case No. 2:10-cv-173

v.

Honorable R. Allan Edgar

PATRICIA CARUSO, et al.,

Defendants.

MEMORANDUM OPINION

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On August 10, 2010, the Court entered an order of deficiency (docket #3) because Plaintiff had failed to pay the \$350.00 civil action filing fee or to file the Affidavit of Financial Status and Prisoner Trust Account Statement for the past 6 months as required by 28 U.S.C. § 1915(a)(2) to apply to proceed *in forma pauperis*. The Court allowed 28 days for Plaintiff to comply. Plaintiff was warned that if he failed to comply, the Court would presume that he was not proceeding *in forma pauperis*, assess the entire filing fee, and dismiss his case for want of prosecution.

More than thirty days have elapsed. Plaintiff failed to pay the \$350.00 civil action filing fee or to submit the requisite documents to apply to proceed *in forma pauperis*. Because Plaintiff has wholly failed to comply with the Court's order, the Court will issue a judgment dismissing the case without prejudice for lack of prosecution. *See In re Alea*, 286 F.3d 378, 380-81 (6th Cir. 2002); *McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997).

IT IS SO ORDERED.

Dated: 10/5/2010

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE